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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220
24314	7590	07/19/2006	EXAMINER	
JANSSON, SHUPE, MUNGER & ANTARAMIAN, LTD			PARSLEY, DAVID J	
245 MAIN STREET			ART UNIT	
RACINE, WI 53403			PAPER NUMBER	
			3643	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/699,519

Applicant(s)

LARSON ET AL.

Examiner

David J. Parsley

Art Unit

3643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

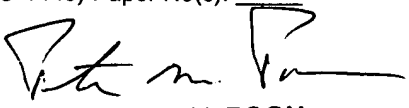
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 60-76.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


PETER M. POON
SUPERVISORY PATENT EXAMINER
7/18/06

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive in that the combination of the Blaschke reference US 6260302, the Yen reference US 6921181 and the Nadel reference US 6789972 is deemed proper with the motivation to combine the references given in paragraph 3 of the office action dated 4-24-06. The motivation to combine being found in the general knowledge of those of ordinary skill in the art. Further, regarding claim 60 it is deemed that the location of the light - at 76 of the Blaschke reference does not teach away from the claimed invention in that as seen in figures 7-8 the light - at 76, is located proximate handle - 54 which is at a position on the handle - at 16 of the net which is distal from the net portion and therefore the portions of the handle - at 16 located forward of the net could contain telescoping portions without effecting the operation of the light - at 76. Further, the Yen reference does disclose radial aligned contact pairs - at 211-213 and 2611 in that they all diverge from a center being the center of housings - at 24 and 26 as seen in figure 3. Further, LED devices are known to consume less power than incandescent lights and the high powered LED in Yen would use less power than a high powered incandescent light and therefore the motivation to combine the Blaschke and Yen references is deemed proper. Further, the Blaschke reference discloses a plurality of telescoping sections - at 18,20,12,12A, that include a handle section - at the end of 18, at one end of the telescoping sections - at 18, and a net attachment section - at 20-22, at an opposite end of the telescoping sections - see figure 1, a net - at 14, attached to the net attachment section - see figure 1, and a self contained light body - at 68-76, for illuminating the net, the light body adapted for being attached to one of the net and the net attachment section - see figures 1 and 8. The light - at 76 is located proximate the net portion of the device as seen in figures 7-8 of Blaschke and therefore the light is deemed to illuminate the net. Further, the light - at 76 of Blaschke is deemed to be attached to all components of the net device either directly or indirectly via other connecting members of the device as seen in figures 7-8. Further, the light - at 76 of Blaschke is deemed to be self contained in that as seen in figure 8 the light is contained inside the housing. Applicant does not define self-contained as not being capable of sharing a power supply with another component and as seen in figure 8 and column 5 lines 18-30, the power supply of the light and the motor is not stated as being one and the same, and therefore this argument is moot. Further, the Yen reference discloses radial aligned contact pairs - at 211-213 and 2611 as stated above. Further regarding claims 64-68, 73 and 75. Referring to claim 64, Blaschke as modified by Yen and Nadel further discloses a brightness of the light is set to a level of non-disturbance of a fish - see for example column 5 lines 17-30 of Blaschke.

Referring to claim 65, Blaschke as modified by Yen and Nadel further discloses a brightness adjuster structured for changing a light illumination level of the light by rotation of the rotary switch lens - see for example the threaded connections of items 24 and 26 in figure 3 of Yen.

Referring to claim 66, Blaschke as modified by Yen and Nadel further discloses the brightness adjuster comprises a plurality of rotary switch positions - along the threaded portions of items 24 and 26 as seen in figure 3 of Yen, accessed by rotation of the rotary switch lens - at 21-25 - see figure 3 of Yen, and an illumination level control member structure for adapting the LED to a plurality of brightness levels corresponding to the plurality of switch positions - see at 231 and 2611 in figure 3 of Yen.

Referring to claim 67, Blaschke as modified by Yen and Nadel further discloses at least one frame member - at 22, having a surface opposed to the LED - at 21 - see figure 3 of Yen, and having disposed on the surface at least one of reflective tape and reflective coating - see for example column 4 lines 7-10 of Yen.

Referring to claim 68, Blaschke as modified by Yen and Nadel does not disclose the reflective tape or reflective coating contains fluorescent pigment. However, applicant's disclosure does not indicate that this limitation in the claimed invention is critical to the operation of the invention and therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke as modified by Yen and Nadel and add the reflective tape or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Referring to claim 73, Blaschke as modified by Yen and Nadel further discloses a light beam shaper - at 23,24, for focusing a light beam emitted from the illuminator - at 21, on the at least one of reflective tape and reflective coating - at 22 - see figure 3 of Yen.

Referring to claim 75, Blaschke as modified by Yen and Nadel further discloses the net has a collapsible frame - at 12,12A of Blaschke. .

Further, regarding claims 61-75, applicant argues that improper hindsight analysis was made however the combination of the Blaschke, Yen and Nadel references is deemed to be proper since one of ordinary skill in the art would have been motivated to make the combination given the motivations stated in paragraph 3 of the previous office action dated 4-24-06.

Regarding claims 61-62 and 74, the Wallin reference US 3077693 is not used to disclose the claim limitations of a self contained light body, or the light body adapted for begin attached to one of the net and the net attachment section or the light body comprising a radially aligned contact pair opened or closed by rotation of the switch lens and therefore these arguments are moot. Further, applicant argues that the combination of the Blaschke and the Wallin references would render the Blaschke device inoperable but does not give specifics to why this combination would be inoperable. Therefore this argument is moot. Further, the Wallin reference does disclose the open end of the shaft - at 8-12 of Wallin, has a protruding portion - at 12, with a shape - see figure 3 of Wallin, and wherein the first lengthwise portion of the light body - at 14, has an outer surface that includes a shape essentially the same as the shape of the protruding portion of the shaft - see figure 3 of Wallin, thereby effecting a keyed radial orientation of the light body when it is inserted position in the shaft - see figure 3 of Wallin. The combination of the Blaschke, Yen, Nadel and Wallin references is deemed proper given the motivation to combine the references found in paragraph 3 of the previous office action dated 4-24-06. Regarding claims 69-72, the Hansen reference US 6000808 is not used to disclose the limitations of a self contained light body, or the light body adapted for begin attached to one of the net and the net attachment section or the light body comprising a radially aligned contact pair opened or closed by rotation of the switch lens and therefore these arguments are moot. Further, the combination of the Blaschke, Yen, Nadel and Hansen references is deemed proper given the motivation to combine the references found in paragraph 3 of the previous office action dated 4-24-06. Regarding claim 76, it is deemed that the combination of the Wallin and Yen devices is proper and would produce an operable device in that the contacts - at 211-213 and 2611 of Yen are made to be waterproof when the housings - at 24 and 26 are rotated toward each other via the threaded connectino as seen in figure 3 of Yen. Therefore, the combination of the Wallin and Yen references is deemed proper given the motivation to combine the references found in paragraph 3 of the previous office action dated 4-24-06. The motivation to combine the references being found in the general knowledge of those of ordinary skill in the art. Further, the Yen reference discloses a lens - at 25 being the thin

disc-shaped device at the tip of item 25 as seen in figure 3. Therefore, for the reasons stated above applicant's arguments are not persuasive.